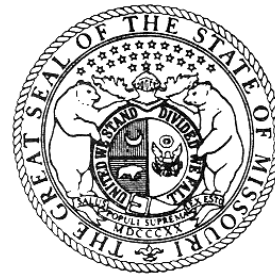


PRESS RELEASE

STATE SENATOR DAN CLEMENS – 20TH DISTRICT



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Missouri Senate

FOR IMMEDIATE RELEASE: April 8, 2004

Weekly Capitol Report

JEFFERSON CITY- In Missouri, the need for swift and effective remedy for an out-of-control civil lawsuit system is no laughing matter. The legislature is once again working to bring that remedy to Missouri.

I do not argue with the right of fair compensation for anyone who has suffered injury as the result of the carelessness or negligence of others. Yet, under our present system, huge awards are made for questionable, non-economic damages. To compound the unfairness of our system, significant portions of the awards, particularly in class-action suits, go to attorneys rather than those who actually suffer from the alleged actions.

In addition to attorneys compromising these individuals by depriving them of substantial amounts of their settlements by charging huge contingency fees, the system also drives up costs of products and endangers the availability of such essentials as basic health care because of skyrocketing insurance premiums.

Business owners know that professional liability insurance is a substantial cost of doing business regardless of their litigation history. Additionally, efforts to advance innovative new products or services are limited by these lawsuits..

One way to ensure that frivolous lawsuits will no longer be brought against hard-working professionals is true tort reform.

In Missouri, the General Assembly last year passed reasonable reforms only to see our efforts vetoed by Gov. Holden. The same Governor that is a major benefactor of contributions from lawyers who profit directly from this system. Meanwhile, the need for real reform remains, and common sense demands that change can and must be made.

Tort reform addresses the adverse economic impact of the state's litigation crisis and escalating liability insurance costs on Missouri citizens. These adverse economic impacts effect the availability and affordability of professional liability insurance needed for conducting business in Missouri.

We here at the legislature are hard at work to bring about tort reform in order to keep doctors and businesses in Missouri, and to protect citizens and businesses in our state.

At midnight Thursday morning, we ended a 16-hour debate about tort reform and finally perfecting this years tort reform bill.

After Democrats blocked the bill from coming to a vote, a compromise was reached that would create a tax credit for doctors whose premiums are on the rise and give state regulators more power to restrict rates charged by insurance companies.

HB 1304 seeks to end the practice of "venue shopping" in which plaintiffs are allowed to file cases in areas known for awarding the large settlements when the case did not begin there.

The legislation also seeks to limit joint and several liability. Rather than hold accountable those primarily responsible, this predatory practice allows full damages to be assessed against those found to have only a fraction of the total liability. In this case, the company that made the product could be held more liable than person who misused the product.

The measure also seeks to cap the payments for pain and suffering or noneconomic damages. The existing cap of \$565,000 would be lowered to \$450,000.

I was proud to be in the Senate to support this truly important legislation for Missouri.

As always, I appreciate your opinion on any legislative matter. If you have any questions or concerns to share, please call me at 1-866-242-0810, or email me at dan_clemens@senate.state.mo.us.

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